

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**JOHN EDUARDO CHAVEZ**  
6362 E. 45<sup>th</sup> Place  
Yuma, AZ 85365

**Registered Nurse License No. 740074**

Respondent

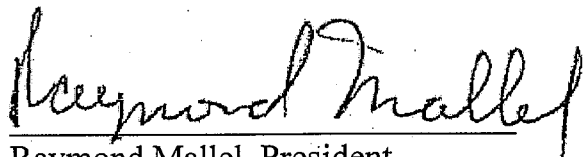
Case No. 2012-363

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **September 20, 2012.**

IT IS SO ORDERED **September 20, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General

3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
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6 Telephone: (916) 322-5524  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-363

12 **JOHN EDUARDO CHAVEZ**  
13 **6362 E. 45th Place**  
**Yuma, AZ 85365**  
14 **Registered Nurse License No. 740074**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 Respondent.

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
17 proceeding that the following matters are true:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
20 Board of Registered Nursing. She brought this action solely in her official capacity and is  
21 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
22 Elena L. Almanzo, Deputy Attorney General.

23 2. John Eduardo Chavez (Respondent) is representing himself in this proceeding and has  
24 chosen not to exercise his right to be represented by counsel.

25 3. On or about November 18, 2008, the Board of Registered Nursing issued Registered  
26 Nurse License No. 740074 to John Eduardo Chavez (Respondent). The Registered Nurse License  
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-  
28 363 and will expire on June 30, 2012, unless renewed.

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1 Registered Nursing may communicate directly with the Board regarding this stipulation and  
2 surrender, without notice to or participation by Respondent. By signing the stipulation,  
3 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
4 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
5 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of  
6 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
7 the parties, and the Board shall not be disqualified from further action by having considered this  
8 matter.

9 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of  
10 License and Order, including facsimile signatures thereto, shall have the same force and effect as  
11 the originals.

12 12. This Stipulated Surrender of License and Order is intended by the parties to be an  
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
15 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
16 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
17 executed by an authorized representative of each of the parties.

18 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
19 the Board may, without further notice or formal proceeding, issue and enter the following Order:

20 **ORDER**

21 IT IS HEREBY ORDERED that Registered Nurse License No. 740074, issued to  
22 Respondent John Eduardo Chavez, is surrendered and accepted by the Board of Registered  
23 Nursing.

24 1. The surrender of Respondent's Registered Nurse License and the acceptance of the  
25 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
26 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
27 license history with the Board of Registered Nursing.  
28

1           2.     Respondent shall lose all rights and privileges as a registered nurse in California as of  
2 the effective date of the Board's Decision and Order.

3           3.     Respondent shall cause to be delivered to the Board his pocket license and, if one was  
4 issued, his wall certificate on or before the effective date of the Decision and Order.

5           4.     If Respondent ever files an application for licensure or a petition for reinstatement in  
6 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
7 comply with all the laws, regulations and procedures for reinstatement of a surrendered license in  
8 effect at the time the petition is filed, and all of the charges and allegations contained in  
9 Accusation No. 2012-363 shall be deemed to be true, correct and admitted by Respondent when  
10 the Board determines whether to grant or deny the petition.

11          5.     If and when Respondent's license is reinstated, he shall pay to the Board costs  
12 associated with its investigation and enforcement pursuant to Business and Professions Code  
13 section 125.3 in the amount of \$702.50. Respondent shall be permitted to pay these costs in a  
14 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the  
15 Board from reducing the amount of cost recovery upon reinstatement of the license.

16          6.     If Respondent should ever apply or reapply for a new license or certification, or  
17 petition for reinstatement of a license, by any other health care licensing agency in the State of  
18 California, all of the charges and allegations contained in Accusation, No. 2012-363 shall be  
19 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
20 Issues or any other proceeding seeking to deny or restrict licensure.

21          7.     Respondent shall not apply for licensure or petition for reinstatement for two (2)  
22 years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

5/22/12

  
JOHN EDUARDO CHAVEZ  
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 5/25/2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General

  
ELENA L. ALMANZO  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 2012-363**



1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO

Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-5524  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012 - 363

12 **JOHN EDUARDO CHAVEZ**  
6362 E. 45th Place  
13 Yuma, AZ 85365  
14 **Registered Nurse License No. 740074**

**A C C U S A T I O N**

Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 2. On or about November 18, 2008, the Board issued Registered Nurse License Number  
22 740074 to John Eduardo Chavez ("Respondent"). Respondent's registered nurse license was in  
23 full force and effect at all times relevant to the charges brought herein and will expire on June 30,  
24 2012, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

28 ///

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed  
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11 . . . .

12 (4) Denial of licensure, revocation, suspension, restriction, or any other  
13 disciplinary action against a health care professional license or certificate by another  
14 state or territory of the United States, by any other government agency, or by another  
California health care professional licensing board. A certified copy of the decision  
or judgment shall be conclusive evidence of that action . . .

#### 15 COST RECOVERY

16 6. Code section 125.3 provides, in pertinent part, that the Board may request the  
17 administrative law judge to direct a licensee found to have committed a violation or violations of  
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
19 enforcement of the case.

#### 20 CAUSE FOR DISCIPLINE

##### 21 **(Disciplinary Action by the Arizona State Board of Nursing)**

22 7. Respondent is subject to disciplinary action pursuant to Code section 2761,  
23 subdivision (a)(4), on the grounds of unprofessional conduct, in that he was disciplined by the  
24 Arizona State Board of Nursing ("Arizona Board"), as follows: On or about April 27, 2011,  
25 pursuant to Consent for Entry of Voluntary Surrender Order No. 1101045 ("Order") in the  
26 disciplinary proceeding titled "In the Matter of Registered Nurse License No. RN144529 issued  
27 to: John Eduardo Chavez", Respondent surrendered his license to practice registered nursing in  
28 the State of Arizona for a minimum of five years. A true and correct copy of the Order is

1 attached as **exhibit A** and incorporated herein by reference. Respondent admitted the following  
2 Findings of the Arizona Board:

3 a. On or about January 5, 2011, the Arizona Board received a complaint from the Chief  
4 Nursing Officer with Kaiser Permanente Medical Center (KPMC) in West Los Angeles,  
5 California, alleging that from August 6, 2010, to October 19, 2010, while employed as a travel  
6 nurse with HRN Services, Inc. and assigned to KPMC's Emergency Room ("ER") Department,  
7 Respondent diverted Schedule II controlled opioids for his own use. On or about October 19,  
8 2010, when Respondent failed to show for his next scheduled shift, his travel contract was  
9 terminated.

10 b. On or about April 11, 2011, Arizona Board staff interviewed KPMC's ER Nurse  
11 Director, who stated that several ER staff members observed Respondent repeatedly dozing  
12 and/or falling asleep while on duty and that Respondent appeared pallid, nervous, sweaty, and  
13 shaky. According to the Nurse Director, on October 19, 2010, Respondent sent a telephonic text  
14 message to another ER staff member and requested that "... certain items be removed from the  
15 contents of his employee locker." According to the Nurse Director, upon opening Respondent's  
16 employee locker, they found several bloody needles and syringes.

17 c. On or about April 25, 2011, Arizona Board staff interviewed KPMC's Pharmacy  
18 Director, Daniel Ehrlich. Mr. Ehrlich stated that in or about August 2010, pharmacy technicians  
19 and supervising/charge nurses began to find broken and empty 4 mg Dilaudid vials, a Class II  
20 Scheduled Drug, in the ER's PYXIS (an automated medication dispensing machine). Mr. Ehrlich  
21 stated that approximately 330 vials of intravenous/intramuscular 4 mg Dilaudid vials were  
22 emptied and broken from August 2010, to October 19, 2010. According to Mr. Ehrlich, KPMC's  
23 Corporate Investigation staff discovered that Respondent obtained an Administrative Nurse  
24 Supervisor's PYXIS password and had accessed the PYXIS during his shift and on non-scheduled  
25 work days.

26 d. On or about April 14, 2011, during a review of Respondent's Yuma Regional  
27 Medical Center (YRMC) employment file, Arizona Board staff learned that on or about March  
28 22, 2011, Respondent was required to submit to a for-cause drug screen after staff and a patient

1 noticed that he fell asleep while on duty. Respondent was working as a seasonal nurse and was  
2 assigned to YRMC's ER Department.

3 e. On or about April 14, 2011, Arizona Board staff interviewed YRMC's Interim ER  
4 Nurse Director. According to the Nurse Director, on March 22, 2011, a staff nurse found  
5 Respondent asleep in a chair and was difficult to arouse. Additionally, Respondent appeared  
6 pallid and sweaty. Respondent's employment was terminated and he is not eligible for rehire.

7 **PRAYER**

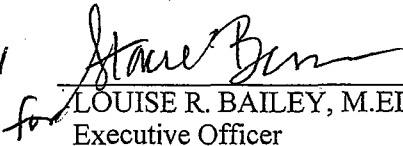
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 740074, issued to John  
11 Eduardo Chavez;

12 2. Ordering John Eduardo Chavez to pay the Board of Registered Nursing the  
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
14 Professions Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: December 14, 2011

  
18 LOUISE R. BAILEY, M.ED., RN  
19 Executive Officer  
20 Board of Registered Nursing  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant  
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**EXHIBIT A**

**Consent for Entry of Voluntary Surrender Order No. 1101045**

Janice K. Brewer  
Governor



Joey Ridenour  
Executive Director

## Arizona State Board of Nursing

4747 North 7<sup>th</sup> Street, Suite 200  
Phoenix AZ 85014-3655  
Phone (602) 771-7800 Fax (602) 771-7888  
E-Mail: [arizona@azbn.gov](mailto:arizona@azbn.gov)  
Home Page: <http://www.azbn.gov>

### AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **JOHN EDUARDO CHAVEZ**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7<sup>th</sup> Street, Suite 200, Phoenix, Arizona 85014-3655 on April 28, 2011.

SEAL

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

ARIZONA STATE BOARD OF NURSING  
4747 North 7th Street, Suite 200  
Phoenix, Arizona 85014-3655  
602-771-7800

IN THE MATTER OF REGISTERED  
NURSE LICENSE NO. RN144529  
ISSUED TO:

JOHN EDUARDO CHAVEZ  
RESPONDENT

CONSENT FOR ENTRY OF  
VOLUNTARY SURRENDER  
ORDER NO. 1101045

A complaint charging JOHN EDUARDO CHAVEZ, ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-1605.01(D), Respondent voluntarily surrenders his license for a minimum of five (5) years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent holds Board issued registered nurse license no. RN144529, that license lapsed on April 1, 2011.
2. Respondent holds an active California registered nurse license no. 740074, which was issued on or about November 18, 2008, and expires on June 30, 2012.
3. On or about January 5, 2011, the Board received a complaint from the Chief Nursing Officer with Kaiser Permanente Medical Center (KPMC), in West Los Angeles, California, alleging that, from on or about August 6, 2010, to on or about October 19, 2010, while Respondent was employed as a travel nurse with HRN Services Inc., and assigned to the KMPC's Emergency Room

Department, he diverted Schedule II controlled opioids for his own use. On or about October 19, 2010, when Respondent failed to show for his next scheduled shift, his travel contract was terminated.

3. On or about April 11, 2011, Board staff interviewed KMPC's Emergency Room [ER] Nurse Director who that several ER staff members observed Respondent repeatedly dozing and/or falling asleep while on duty and physically appeared pallid, nervous, sweaty and shaky. According to KMPC's ER Nurse Director, on October 19, 2011, Respondent sent a telephonic text message to another ER staff member and requested that "... certain items be removed from the contents of his employee locker." According to KMPC's ER Nurse Director, upon opening Respondent's employee locker they found several bloody needles and syringes.

4. On or about April 15, 2011, Board staff interviewed KMPC's Pharmacy Director, Daniel Ehrlich. Mr. Ehrlich stated that, in or about August 2010, pharmacy technicians and supervising/charge nurses began to find broken and emptied 4mg Dilaudid vials, a Class II Scheduled Drug, in the ER's PXYIS (an automated medication dispensing machine). Mr. Ehrlich stated that approximately 330 vials of intravenous/intramuscular 4mg Dilaudid vials were emptied and broken from, August 2010, to on or about October 19, 2010. According to Mr. Ehrlich, KMPC's Corporate Investigative staff discovered that Respondent obtained an Administrative Nurse Supervisor's PXYIS password and had accessed the PXYIS during his shift and on non-scheduled work days.

5. On or about April 14, 2011, during a review of Respondent's Yuma Regional Medical Center [YRMC] employment file, Board staff learned that, on or about March 22, 2011, Respondent was required to submit to a for-cause drug screen, after staff and a patient noticed that he fell asleep while on duty while working as a seasonal nurse and assigned to YRMC's ER Department.

6. On or about April 14, 2011, Board staff interviewed YRMC's Interim ER Nurse Director. According to the ER Interim Nurse Director, on March 22, 2011, a staff nurse found



Respondent asleep in a chair and was difficult to arouse. Additionally Respondent appeared pallid and sweaty. Respondent's employment was terminated and he is not eligible for rehire.

7. On or about April 7, 2011, Respondent requested to permanently voluntarily surrender his license.

#### CONCLUSIONS OF LAW

Pursuant to A.R.S. §§32-1606, 32-1663, and 32-1664(C) (The board retains jurisdiction to proceed with an investigation or a disciplinary proceeding against a regulated party whose license or certificate expired not more than five years before the board initiates the investigation), the Board has subject matter and personal jurisdiction in this matter.

Pursuant to A.R.S. § 32-1601(18) (d) (Any conduct or practice that is or might be harmful dangerous to the health of a patient or the public); (g) (Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter); (h) Committing an act that deceives, defrauds or harms the public); and (j) (Violating this chapter or a rule that is adopted by the board pursuant to this chapter), (effective July 29, 2010), specifically:

- A.A.C. R4-19-403 (16) (Removing, without authorization, a narcotic, drug, controlled substance, supply, equipment, or medical record from any health care facility, school, institution, or other work place location); (effective February 2, 2009), and
- A.A.C. R4-19-403 (17) (A pattern of using or being under the influence of alcohol, drugs, or a similar substance to the extent that judgment may be impaired and nursing practice detrimentally affected, or while on duty in any health care facility, school, institution, or other work location); (effective February 2, 2009), and
- A.A.C. R4-19-403 (18) (Obtaining, possessing, administering, or using any narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any health care facility, school, institution, or other work location at which the nurse practices); (effective February 2, 2009), and

A.A.C. R4-19-403 (31) ( Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed) (effective February 2, 2009).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1605.01(D) and 32-1664(N) to take disciplinary action against Respondent's license to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact, Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter.

Respondent further waives any and all claims or causes of action, whether known or unknown, that Respondent may have against the State of Arizona, the Board, its members, offices, employees and/or agents arising out of this matter.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.


Respondent understands that this voluntary surrender is effective upon its acceptance by the Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the agreement cannot be withdrawn without the Executive Director or

the Board's approval or by stipulation between Respondent and the Executive Director or the Board. The effective date of this Order is the date the Voluntary Surrender is signed by the Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the later date is the effective date.

Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent also understands that he may not reapply for re-issuance during the period of Voluntary Surrender.

Respondent agrees that he may apply for re-issuance after the period of voluntary surrender under the following conditions, and must comply with current law at the time of their application for re-issuance:


The application for re-issuance must be in writing and shall contain therein or have attached thereto substantial evidence that the basis for the voluntary surrender has been removed and that the re-issuance of the license does not constitute a threat to the public's health, safety and welfare. The Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding Respondent as it deems necessary. These conditions shall be met before the application for re-issuance is considered.

  
Respondent

Date: 4/27/11

ARIZONA STATE BOARD OF NURSING

SEAL

  
Joey Ridehour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: 4/27/2011

RAPPORT/7/2011/44329/CHAVEZ


ORDER

Pursuant to A.R.S. § 32-1605.01(D)(5) the Board hereby accepts the Voluntary Surrender of registered nurse license number RN144529, issued to JOHN EDUARDO CHAVEZ. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multistate license.

AT RESPONDENT'S REQUEST, RESPONDENT HEREBY PERMANENTLY SURRENDERS HIS LICENSE.

SEAL

ARIZONA STATE BOARD OF NURSING

  
Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: 4/27/2011

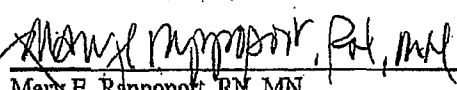
JR/mer

COPY mailed this 25<sup>th</sup> day of APRIL, 2011, by First Class Mail to:

JOHN EDUARDO CHAVEZ  
6271 E. 45<sup>TH</sup> STREET  
YUMA, AZ 85364

COPY sent this 25<sup>th</sup> day of APRIL, 2011, by electronic mail to: [jchavez5484@hotmail.com](mailto:jchavez5484@hotmail.com)

By:

  
Mary E. Rappoport, RN, MN  
Nurse Practice Consultant